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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,074	07/01/2002	Gilbert Heise	11150/45	7261
26646	7590	11/17/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			NGUYEN, PHUNG	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/070,074	Applicant(s) HEISE ET AL.	
	Examiner Phung T Nguyen	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima (U.S. Pat. 5,694,116) in view of Sekine et al. (U.S. Pat. 5,963,148).

Regarding claim 11: Kojima discloses driver condition-monitoring apparatus for automotive vehicles comprising detecting a critical vehicle condition by the control unit by evaluating the data of the sensors and the control units, generating a list of possible actions for the motor vehicle driver in response to the critical vehicle condition detected in the detecting step, and executing an action selected by the motor vehicle driver using the control unit (fig. 1, col. 5, lines 48-60). Kojima does not teach displaying the detected critical vehicle condition and the list of possible actions of the motor vehicle driver on a display unit of the input and output unit as claimed. However, Sekine et al. disclose road situation perceiving system which comprises generating the warning voice means 17 and display means 13 when the critical vehicle condition is detected (col. 3, lines 46-60). Therefore, it would have been obvious to one of ordinary skill in that art at the time the invention was made to utilize the teaching of Sekine et al. in the system of Kojima because they both teach a driver condition-monitoring system. It is seen that using the display unit to display information as taught by Sekine et al. would be more reliable.

Regarding claim 12: All the claimed subject matter is already discussed in respect to claim 1 above except manually activating the method by the motor vehicle driver. However, using the on/off switch to activate the device is old and well known in the art. Therefore, it would be obvious to the skilled artisan to employ the conventional on/off switch in order to activate the device if desired.

Regarding claims 13 and 14: All the claimed subject matter is already discussed in respect to claims 11 and 12 above.

Regarding claim 18: All the claimed subject matter is already discussed in respect to claim 11 above.

3. Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima (U.S. Pat. 5,694,116) in view of Sekine et al. (U.S. Pat. 5,963,148) and further in view of Bergholz et al. (U.S. Pat. 6,151,539).

Regarding claim 15: Kojima teaches wherein the control unit is connected to at least one other control unit of the motor vehicle by a bus as shown in figure 1. Kojima and Sekine do not teach a CAN bus as claimed. However, the use of the CAN bus is old and known in the art as taught by Bergholz et al. (col. 7, lines 56-60). Therefore, it would have been obvious to the skilled artisan to utilize the CAN bus of Bergholz et al. in the system of the combination in order to assure reliable transmission of the volumes of data that are generated.

Regarding claim 19: Refer to claim 15 above.

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4. Claims 16, 17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima in view of Sekine et al. and further in view of Moroto et al. (U.S. Pat. 5,191,532).

Regarding claim 16: Kojima and Sekine et al. do not disclose the display unit which includes a touch screen. However, Moroto et al. disclose a navigation apparatus comprising a touch panel 6 (figure 1, col. 3, lines 49-55). Therefore, it would have been obvious to the skilled artisan to use the touch panel of Moroto et al. in the system of the combination in order to provide more convenient to the motor vehicle driver.

Regarding claim 17: Moroto et al. disclose the input device including at least one of a voice recognition unit (col. 3, lines 55-56).

Regarding claim 20: Refer to claim 16 above.

Regarding claim 21: Refer to claim 17 above.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

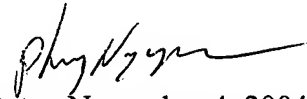
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

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Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a long horizontal flourish extending to the right.

Date: November 4, 2004